

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

UNPUBLISHED
July 7, 2015

v

AMDEBIRHAN ABDERE ALEMU,

Defendant-Appellant.

No. 320560
Kent Circuit Court
LC No. 13-000380-FH

Before: BECKERING, P.J., and MARKEY and SHAPIRO, JJ.

MARKEY, J. (*dissenting*).

I respectfully dissent from the majority’s decision to reverse the trial court’s decision in this matter because I do not believe a full review of the record supports a finding that the trial court’s holding constituted an abuse of discretion—a high hurdle for this court to achieve. The trial judge in this matter is extremely experienced and certainly well familiar with the applicable law. That he may have originally misunderstood one fact of defendant’s case does not lead me to conclude either that he did not comprehend either the scope of his discretion, the application of the law or the ramifications of his deciding to sentence defendant as he did. We do not have the ability to perceive the subjective factors that may also affect a judge’s sentencing, such as demeanor, attitude, voice inflections, etc., which is another reason why finding an abuse of discretion in a situation such as this is even more difficult. Consequently, I would affirm.

/s/ Jane E. Markey